

## REMARKS

Reconsideration and allowance are respectfully requested.

The above amendments to the claims have antecedence in the original specification. No new matter has been added. Entry and allowance are requested.

Claim 12 has been amended to comply with the requirements of 35 USC § 112, and to overcome the rejection under 35 U.S.C. § 112

It is stressed that one main difference between the present invention and the invention disclosed by Higgins is the use of traditional carpet equipment in which rolling up is effected. In the system according to Higgins, no rolling up is effected prior to the cutting of the carpet into individual tiles.

**Claims 12-19, 27, 30 are patentable under 35 U.S.C. 102(e) and are not anticipated by Higgins (U.S. 2004/0253410).**

Claim 12 discloses a method of constructing a carpet tile with a backing composed of curable polymer that provides rigidity. It is essential to the method that the curable polymer is coated on during the construction of the carpet web itself but is not cured until after the carpet web is completed and ready for punching. This specific order of steps is important so that the carpet web can be manufactured on traditional carpet machinery which requires flexibility so it can be rolled up during construction. Once the polymer is cured the carpet loses its flexibility and thus can no longer be rolled. This methodology is not disclosed in Higgins which is focused on creating a temporary surface that does not need to be affixed to a permanent floor yet does not slip, and not on maintaining flexibility to allow for manufacture on standard carpet equipment. This is additionally why Claim 27 is not anticipated. There is no disclosure of a plant for

producing carpet tiles, and the plant configuration is not implicit as Higgins does not even consider retaining flexibility during the manufacturing process. In fact most of the surfaces disclosed in Higgins, other than carpet, are rigid so that for most of the surfaces in Higgins, retaining flexibility is of no advantage.

In addition, none of Higgins 35 drawings and 19 columns of text on forty six pages have the elements and steps that are specifically set forth in claim 20. Claims 13-19 depend from claim 1, and distinguish the invention from Higgins in the same manner as claim 1.

Claim 13 points out the bonding of felt with the back of the carpet pile product. Higgins does not do that.

Claim 14 points out the carpet pile product and the outermost layer are of the same material. That is not found in Higgins.

Claim 15 adds to claims 12 and 14 that the same material is polymer. That is not found in Higgins.

Claim 16 adds to claim 12 that the curable polymer is a termo-hardening water based latex. That is not found in Higgins.

Claim 17 adds to claims 12 and 16 that the curable polymer is a liquid, a crème, a powder, or combinations thereof. That is not found in Higgins.

Claim 18 adds to claim 12 that the surface coating is spraying foaming or smearing. That is not found in Higgins.

Claim 27 distinguishes the invention from Higgins by pointing out the rolled supply, the coating, and the web forming, rolling, and unrolling, surface coating with a thin curable polymer layer, curing the polymer imparting dimensional stability and rigidity to the carpet web, and the punching the rigid carpet web. These are not found in Higgins.

Claim 30 discloses a cured polymer layer having a thickness of less than the felt layer. This prevents the polymer layer from penetrating too deeply into the felt layer. Claim 30 points out the structure elements and the curing of the polymer before punching. Higgins does not disclose those features.

The subject matter of the invention, as a whole, as particularly pointed out and distinctly claimed in Claims 20-26, 28, 29 and 31-35 would not have been obvious at the time of invention under 35 USC § 103.

**Claims 20-26, 28, 29, 31-35 are patentable under 35 U.S.C. 103(a) and would not have been obvious from Higgins (U.S. 2004/0253410).**

Claims 20-26 are dependent on Claim 12. Claims 28, 29 are dependent on 27. Since Claims 12 and 27 are not obvious over Higgins, Claims 20-26, 28, 29 are also not obvious.

Claims 20 and 21 add curing temperatures to the subject matter of claim 1. Neither the subject matter of claim 1 nor the curing temperatures that claims 20 and 21 add would have been obvious from Higgins.

Higgins does not provide the thin, rigid, cured polymer and a carpet web before punching as set forth in the claims.

Claim 22 adds to claim 12 and points out that the curing is by heating, IR, UV, or combinations thereof, which is not found in Higgins.

Claims 23 and 24 add to claim 12 and point out the specific gram weights per square meter of felt. These weights of felt would not have been obvious from Higgins.

Claims 25 and 26 add to claim 12 and point out the specific grams per square meter of the dry matter in the curable polymer. Those weights would not have been obvious from Higgins.

The elements and steps of claim 27 would not have been obvious from Higgins for the reasons previously stated.

Claim 28 adds to claim 27 and points out that the coating and web forming unit (9) includes unwinding units (21) for receiving preformed and coiled semi-finished pile carpet product and coiling unit (11) for coiling carpet web. Those features would not have been obvious from Higgins.

Claim 29 adds to claim 27 and points out that the application unit (14) and the curing unit (15) are independent parts of the plant. Those features would not have been obvious from Higgins.

The elements and steps of claim 30 would not have been obvious from Higgins for the reasons previously stated.

Claims 31 and 32 add to claim 30 and point out the specific gram weights per square meter of felt. These weights of felt would not have been obvious from Higgins.

Claims 33 and 34 add to claim 30 and point out the specific grams per square meter of the dry matter in the curable polymer. Those weights would not have been obvious from Higgins.

The elements and steps of claim 35 would not have been obvious from Higgins for the reasons previously stated.

Higgins neither teaches nor suggests maintaining rigidity of the surface it discloses or of using a method or a plant that allows traditional carpet manufacturing equipment to be used. Traditional equipment requires flexible carpet web that can be rolled up. The sole focus of Higgins is creating sufficient friction for temporary flooring without permanently affixing the

temporary surface. Furthermore the present invention specifically achieves the desired rigidity of the carpet square without using PVC or bitumen whereas Higgins teaches a carpet layered with multiple PVC layers, [0147]. PVC and bitumen cause additional expense when being disposed of and therefore avoiding their use is desirable.

Claim 2 of Higgins specifically claims a surface coating in an amount not greater than  $50 \text{ g/m}^2$  whereas Claim 34 of the current invention specifically claims a surface coating of no less than  $50 \text{ g/m}^2$ . Applicant's choice of weights for the surface coating, therefore, could not have been obvious from Higgins.

Once again it is stressed that one main difference between the present invention and the invention disclosed by Higgins is the use of traditional carpet equipment in which rolling up is effected. In the system according to Higgins, no rolling up is effected prior to the cutting of the carpet into individual tiles.

## **CONCLUSION**

Reconsideration and allowance are respectfully requested.

Respectfully,

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